

REMARKS

Introduction

Claims 1 – 5 were originally pending in the present application. Claims 1, 2, 4, and 5 were preliminarily amended, and claims 6 - 14 were preliminarily added. Claims 1, 5, 8, and 12 have been amended herein. Claims 4, 7, 11, and 14 have been cancelled. Accordingly, claims 1 – 3, 5 – 6, 8 – 10, and 12 - 13 are presently pending for consideration in this application. Also, the specification has been amended to correct certain minor informalities. No new matter has been added.

Objections to the Specification

The Examiner has objected to the abstract of the disclosure because of some minor informalities. In particular, in line two, “seatbelt restrain” should be –seatbelt restraint--, and in line 3, “accessing to rear passenger” should be changed to –access to a rear passenger--. The applicant has amended the abstract to correct these minor informalities.

Claim Rejections

35 U.S.C. § 102(b)

Claims 1, 2, 4 – 6, 8, 9, and 11 - 13 have been rejected under 35 U.S.C. § 102(b) as being anticipated by the Sobkow et al. ‘247 patent. A claim is said to be anticipated where each and every limitation of the claim can be found in a single reference. Claim 1 has been amended to include the respective limitations of claims 4 and 7, and claim 8 has been amended to include the respective limitations of claims 11 and 14. Claims 4, 7, 11, and 14 have been cancelled. Each of claims 5 and 8 has been amended to change the claim number from which it depends. No new matter has been added. Thus, as explained in detail below, the applicants respectfully submit that each and every limitation of amended independent claims 1 and 8 cannot be found in the Sobkow et al. ‘247 patent.

Each of claims 2, 5, and 6 is ultimately dependent upon independent claim 1 and adds further perfecting limitations. Each of claims 9, 12, and 13 is ultimately dependent upon independent claim 8 and adds further perfecting limitations. Accordingly, the applicants respectfully traverse these rejections and request that they be withdrawn.

35 U.S.C. § 103(a)

Claims 3 and 10 have been rejected under 35 U.S.C. § 103(a) as being obvious and, therefore, unpatentable over the Sobkow et al. '247 patent in view of the Reiter '562 patent. More specifically, the Examiner states that it would have been obvious to one having ordinary skill in the art at the time the applicants' invention was made to modify the invention of Sobkow et al. in view of the teachings of Reiter to include a magnet with the snap fastener in order to provide a more secure connection between the strap and the vehicle seat or cushion. Claims 3 and 10 are ultimately dependent upon independent claims 1 and 8, respectively. In view of the respective amendments to claims 1 and 8 as noted above, the applicants cannot agree that the respective inventions defined in claims 1 and 8 would have been obvious over the Sobkow et al. '247 patent in view of the Reiter '562 patent. Accordingly, these rejections are respectfully traversed.

Also, claims 7 and 14 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over the Sobkow et al. '247 patent in view of the Stawicki '255 patent. More specifically, the Examiner states that it would have been obvious to one having ordinary skill in the art at the time the applicants' invention was made to modify the invention of Sobkow et al. in view of the teachings of Stawicki to have a pocket in the seat in order to decrease the chances of losing the strap by providing storage space for it when it is not being used. The limitations of claim 7 and 14 have been included in independent claims 1 and 8, respectively. In view of these respective amendments to claims 1 and 8, the applicants cannot agree that the respective inventions defined in claims 1 and 8 would have

been obvious over the Sobkow et al. '247 patent in view of the Stawicki '255 patent. Accordingly, these rejections are respectfully traversed.

The Prior Art

The Sobkow et al. '247 Patent

The Sobkow et al. '247 patent discloses a vehicle shoulder-harness arrangement. A shoulder-harness outboard-belt segment 26 is secured to a roof rail 16 of an interior passenger compartment 10 of a motor vehicle at an anchoring point 28. The anchoring point 28 is located above and to the rear of a forward-facing, adjustable passenger seat 20 when the seat 20 is in its most rearward position of adjustment. An elastic sleeve 30 surrounds and is movable along the belt segment 26. A half 32 of a snap fastener is carried by the sleeve 30, and the other half 34 of the snap fastener is mounted forward of and below the anchoring point 28 on a window post or B-pillar 18 of the interior passenger compartment 10 or a headrest 52 of the seat 20. Alternatively, the belt segment 70 is surrounded by the elastic sleeve 72, which is attached to an elastic strap 74 by the halves 32, 34 of the snap fastener. The end of the strap 74 remote from the sleeve 72 is secured to a top of the seat 66 by another snap fastener 78.

In any case, the half 34 of the snap fastener is adapted to engage releasably in a snap-action manner the half 32 of the snap fastener to hold a portion 36 of the belt segment 26. The location of the half 34 of the snap fastener becomes an "artificial" anchoring point in that when the belt segment is in use and the half 32 of the snap fastener is connected to the half 34 of the snap fastener, the belt segment 26 is oriented relative a passenger 24 of the vehicle as if the belt segment 26 were anchored at the location of the half 34 of the snap fastener. Engagement between the halves 32, 34 of the snap fastener is terminated when the passenger 24 is thrown forward against and, thereby, loads the belt segment 26.

However, the Sobkow et al. '247 patent fails to disclose or suggest a low-mount seat-guide loop for holding a seatbelt restraint of a vehicle seat. The low-mount seat-guide loop includes a strap adapted for attachment to the seat such that the seatbelt restraint can be disposed between the strap and the vehicle seat and a pocket into which the strap can be tucked. The strap is adapted to be disposed in an extended position, in which the strap extends over the seatbelt restraint to hold the seatbelt restraint, and a retracted position, in which the seatbelt restraint can be removed from between the strap and the vehicle seat and the strap can be tucked into the pocket.

The Reiter '562 Patent

The Reiter '562 patent discloses a magnetic snap fastener. However, the Reiter '562 patent fails to disclose or suggest a low-mount seat-guide loop for holding a seatbelt restraint of a vehicle seat. The low-mount seat-guide loop includes a strap adapted for attachment to the seat such that the seatbelt restraint can be disposed between the strap and the vehicle seat and a pocket into which the strap can be tucked. The strap is adapted to be disposed in an extended position, in which the strap extends over the seatbelt restraint to hold the seatbelt restraint, and a retracted position, in which the seatbelt restraint can be removed from between the strap and the vehicle seat and the strap can be tucked into the pocket.

The Stawicki '255 Patent

The Stawicki '255 patent discloses a seat-integrated inflatable neck support 22. The neck support 22 is a U-shaped collar including an inflatable bladder 28 and a decorative cover 38. The neck support 22 is attached to a seat back 14 or a head restraint 18 of a seat 10. The neck support 22, when it is not in use, is storable in a suitable storage pocket (not shown) in the seat 10 by making the bladder 28 or the bladder 28 and an external air tube 36 detachable from the seat 10.

However, the Stawicki '255 patent fails to disclose or suggest a low-mount seat-guide loop for holding a seatbelt restraint of a vehicle seat. The low-mount seat-guide loop includes a strap adapted for attachment to the seat such that the seatbelt restraint can be disposed between the strap and the vehicle seat and a pocket into which the strap can be tucked. The strap is adapted to be disposed in an extended position, in which the strap extends over the seatbelt restraint to hold the seatbelt restraint, and a retracted position, in which the seatbelt restraint can be removed from between the strap and the vehicle seat and the strap can be tucked into the pocket.

The Low-Mount Seat-Guide Loop of the Present Invention

In contrast to the related art, amended claims 1 and 8 of the present application discloses a low-mount seat-guide loop for holding a seatbelt restraint of a vehicle seat. The low-mount seat-guide loop includes a strap adapted for attachment to the seat such that the seatbelt restraint can be disposed between the strap and the vehicle seat and a pocket into which the strap can be tucked. The strap is adapted to be disposed in an extended position, in which the strap extends over the seatbelt restraint to hold the seatbelt restraint, and a retracted position, in which the seatbelt restraint can be removed from between the strap and the vehicle seat and the strap can be tucked into the pocket.

Argument

35 U.S.C. § 102(b)

A claim is said to be anticipated where each and every limitation of the claim can be found in a single prior-art reference. In this case, one or more limitations of each of amended independent claims 1 and 8 cannot be found disclosed in the Sobkow et al. '247 patent. In particular, the Sobkow et al. device fails to disclose or suggest a pocket into which a strap can be tucked and that the strap is adapted to be disposed in an extended position and a retracted position, in which a seatbelt restraint

can be removed from between the strap and a vehicle seat and the strap can be tucked into the pocket as claimed in amended claims 1 and 8 of the present application.

More specifically, during non-use of the strap of the low-mount seat-guide loop of the present invention, the strap is adapted to be retracted and tucked into the pocket. In this way, the seatbelt restraint is completely removed from between the strap and the vehicle seat. Also, to use the strap, the strap is adapted to be extended from the pocket. And, during use of the strap, the strap remains extended from the pocket.

Unlike the strap of the low-mount seat-guide loop of the present invention, the sleeve 30 of the vehicle shoulder-harness arrangement of the Sobkow et al. device is designed to always surround the belt segment 26. In particular, the half 32 of the snap fastener is carried by the sleeve 30, and the other half 34 of the snap fastener is mounted on the window post or B-pillar 18 of the interior passenger compartment 10 or the headrest 52 of the seat 20, or the sleeve 72 is attached by the halves 32, 34 of the snap fastener to the strap 74, the end of which remote from the sleeve 72 is secured by another snap fastener 78 to the top of the seat. The half 34 of the snap fastener is adapted to engage releasably in a snap-action manner the half 32 of the snap fastener to hold a portion 36 of the belt segment 26. Engagement between the halves 32, 34 of the snap fastener is terminated when the passenger 24 is thrown forward against and, thereby, loads the belt segment 26.

However, the sleeve 30 is not designed to be retracted and tucked into any particular space during non-use of the sleeve 30. Also, the sleeve 30 is not designed to be extended relative any particular point for use of the sleeve 30. Furthermore, during non-use of the sleeve 30, such as during disengagement between the halves 32, 34 of the snap fastener, the sleeve 30 is designed to surround and be movable along the belt segment 26. As such, the belt segment 26 is designed to not be removed from within the space defined interior of the sleeve 30. In turn, the belt segment 26 is designed to not be removed from between the sleeve 30 and the passenger seat 20.

As can easily be seen, the vehicle shoulder-harness arrangement of the Sobkow et al. device does not include a pocket into which the sleeve 30 can be tucked. Also, the sleeve 30 of the vehicle shoulder-harness arrangement of the Sobkow et al. device is not adapted to be disposed in an extended position and a retracted position, in which the belt segment 26 can be removed from between the sleeve 30 and the passenger seat 20 and the sleeve 30 can be tucked into a pocket.

Thus, the applicants respectfully submit that each and every limitation of amended claims 1 and 8 is not found nor suggested in the Sobkow et al. device. Therefore, it is respectfully submitted that amended claims 1 and 8 are allowable over the respective rejections under 35 U.S.C. § 102(b).

Claims 2, 3, 5, and 6 and 9, 10, 12, and 13 are dependent upon claims 1 and 8, respectively, and add perfecting limitations. Therefore, the applicants respectfully submit that claims 2, 3, 5, and 6 and 9, 10, 12, and 13 are allowable over the respective rejections under 35 U.S.C. § 102(b).

35 U.S.C. § 103(a)

A rejection based on § 103(a) must rest on a factual basis, with the facts being interpreted without a hindsight reconstruction of the invention from the prior art. Thus, in the context of an analysis under § 103, it is not sufficient merely to identify one reference that teaches several of the limitations of a claim and another that teaches several other limitations of the claim to support a rejection based on obviousness. This is because obviousness is not established by combining basic disclosures of the prior art to produce the claimed invention absent a teaching or suggestion that the combination be made. Interconnect Planning Corp. v. Fiel, 774 F.2d 1132, 1143, 227 U.S.P.Q. (BNA) 543, 551 (Fed. Cir. 1985); In Re Corkhill, 771 F.2d 1496, 1501 - 02, 226 U.S.P.Q. (BNA) 1005, 1009 - 10 (Fed. Cir. 1985). The relevant analysis invokes a cornerstone principle of U.S. patent law:

That all elements of an invention may have been old (the normal situation), or some old and some new, or all new, is, however, simply irrelevant. Virtually all inventions are combinations, and virtually all are combinations of old elements. Environmental Designs v. Union Oil Co. of Cal., 713 F.2d 693, 698 (Fed. Cir. 1983) (other citations omitted).

A patentable invention . . . may result even if the inventor has, in effect, merely combined features, old in the art, for their known purpose without producing anything beyond the results inherent in their use. American Hoist & Derek Co. v. Sowa & Sons, Inc., 220 U.S.P.Q. (BNA) 763, 771 (Fed. Cir. 1984) (emphasis in original, other citations omitted).

Here, it is respectfully submitted that modifying the references to combine the storage pocket of the Stawicki device in the passenger seat 20 of the Sobkow et al. device in order to decrease the chances of losing the sleeve 30 of the Sobkow et al. device by providing storage space for the sleeve 30 when it is not being used does not result in the low-mount seat-guide loop of the type described in each of amended independent claims 1 and 8. More specifically, the neck support 22 of the Stawicki device, when it is not in use, is storable in the storage pocket in the seat 10 by making the bladder 28 or the bladder 28 and an external air tube 36 detachable from the seat 10. However, unlike the strap of the low-mount seat-guide loop of the present invention, the sleeve 30 of the combination of the Sobkow et al. and Stawicki devices is not adapted to be disposed in an extended position and a retracted position, in which the belt segment 26 can be removed from between the sleeve 30 and the passenger seat 20 and the sleeve 30 can be tucked into the pocket. The sleeve 30 would have to be detachable from the belt segment 26 to be stored in the storage pocket, which it is not designed to do.

In addition, it is respectfully submitted that one must pick and choose respective elements from the structurally dissimilar devices disclosed in the corresponding Sobkow et al. '247 and Stawicki '255 patents and combine these elements by restructuring them, using hindsight and the applicants' own disclosure, to conclude that the claimed invention is obvious. The applicants

respectfully submit that this would be improper in view of the respective disclosures of the prior art. There is a fundamental axiom in U.S. patent law that if a reference must be reconstructed or rearranged to change its operation to meet an applicant's claim, that modification of the reference is inappropriate and cannot stand.

There is simply no motivation provided in either of the Sobkow et al. '247 and Stawicki '255 patents to combine their respective teachings. Furthermore, even assuming that such a motivation existed, a combination of the Sobkow et al. '247 and Stawicki '255 patents would require the sleeve 30 of the Sobkow et al. device to be reconstructed or rearranged to be detachable from the belt segment 26 and extendable from and retractable into the storage pocket to meet the applicants' claims.

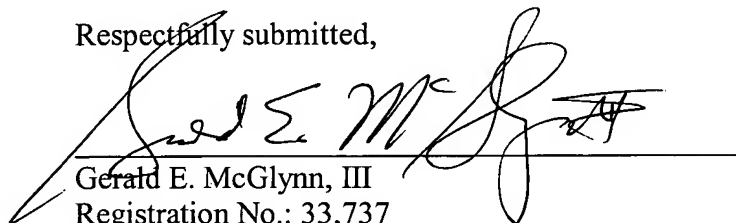
The deficiencies in the teachings of the Sobkow et al. '247 patent are not overcome in the disclosure of the Stawicki '255 patent. Thus, neither of the references, alone or in combination with the other reference, discloses or suggests the low-mount seat-guide loop described in amended claims 1 and 8.

In view of the above, it is respectfully submitted that amended independent claims 1 and 8 recite structural limitations that are not disclosed or suggested by the prior art and are patentably distinguishable from the subject matter of each of the references discussed above. Claims 4, 7, 11, and 14 have been cancelled. Claims 2, 3, 5, and 6 and 9, 10, 12, and 13 are ultimately dependent upon independent claims 1 and 8, respectively, and add further perfecting limitations. As such, the prior-art references do not disclose or suggest the subject invention. However, even if they did, they could be applied only through hindsight after restructuring the disclosures of the corresponding references in view of the applicants' invention. A rearrangement of the devices described in the corresponding references to derive the applicants' invention would, in and of itself, be an invention.

Conclusion

Independent claims 1 and 8, as amended, recite structure that is neither disclosed nor suggested by the prior art and is patentably distinguishable from the cited art discussed above. Claims 2, 3, 5, and 6 and 9, 10, 12, and 13 are dependent upon claims 1 and 8, respectively, and add perfecting limitations. Accordingly, the applicants respectfully solicit allowance of the claims pending in the present application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gerald E. McGlynn, III", is written over a horizontal line.

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